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SUBJECT: THE NEW ZEALAND ELECTIONS 2005: NEW ZEALAND'S
ELECTORAL SYSTEM

SUMMARY

1. (SBU) This is the first in a series of reporting that Embassy New Zealand and ConGen Auckland will provide in the run-up to this year's Parliamentary elections. Although no date has been set, the elections must occur before September 2005.

2. (SBU) Summary: The current Labour Government is cautiously optimistic about the possibility of returning to power for a historic third term. Their main opponent, the National Party, is lagging behind, but hopes to improve on its abysmal showing in the 2002 elections. Regardless of which party captures more votes, New Zealand's Mixed Member Proportional (MMP) System of elections and the inclusion of specially-designated seats for the minority Maori population virtually guarantee that the winner will need one or more coalition partners to govern. This message explains the composition of the New Zealand government; some of its underlying institutions; and the complex MMP system and its possible implications for the election. End summary.

OVERVIEW AND ROLE OF THE CONSTITUTION

3. (U) New Zealand is a sovereign state with a democratic parliamentary government based on the Westminster system. As in Canada and Australia, the British monarch is titular Head of State of New Zealand. The Queen is represented by the Governor-General, typically a New Zealander, who is appointed by the Queen on the advice of the New Zealand Government. Over the years, the Governor General's ceremonial responsibilities have increased, while constitutional duties have diminished. The current Governor General is Dame Sylvia Cartwright.

4. (U) New Zealand's constitutional history dates back to the signing of the Treaty of Waitangi in 1840, when the indigenous Maori people ceded sovereignty over New Zealand to the British Queen in exchange for citizenship. The New Zealand Constitution Act of 1852 provided for the establishment of a Parliament with an elected House of Representatives. Universal suffrage was introduced in 1893.

5. (U) As in the United Kingdom, constitutional practice in New Zealand is an accumulation of convention, precedent and tradition, and there is no single document that can be termed the New Zealand constitution. The Constitution Act 1986, however, updates, clarifies and consolidates in one piece of legislation the most important constitutional provisions that had been enacted in various statutes. It provides for a legislative body, an executive and administrative structure and specific protection for the judiciary. In 2004, PM Helen Clark introduced a Commission of Inquiry to address the effectiveness of NZ's constitutional arrangements. Many believe that the Prime Minister's real aim is to use the Inquiry to change New Zealand's status from a constitutional monarchy to a republic.

6. (U) Following the general election in July 2002, seven political parties are represented in Parliament. The Labour Party and the Progressive Coalition formed a minority Coalition Government after the election. The United Future Party has pledged to support the Coalition on confidence and supply (that is, they vote with the Government on crucial votes, including votes regarding spending). An arrangement has also been reached with the Green Party for co-operation on a range of policy and legislative matters. The Right Honourable Helen Clark, the Leader of the Labour Party, is Prime Minister and the Honourable Michael Cullen, Deputy Leader of Labour, is Deputy Prime Minister.

PARLIAMENT

7. (U) Legislative power is vested in Parliament, a unicameral body designated the House of Representatives. There are currently 120 members, who are elected for three-year terms through the general elections. All citizens and

permanent residents 18 years and over are eligible to vote in elections. The Prime Minister usually decides the exact election date, but elections must be held at regular three-year intervals. The next New Zealand general election must be held before September 27, 2005.

18. (U) Authority for raising revenue by taxation and for expenditure of public money must be granted by Parliament. Parliament also serves as a check on the Government by having the power to pass a resolution of no confidence or to reject any Government proposal made a matter of confidence. In such cases the Government would be expected to resign.

19. (U) The executive branch of the Government of New Zealand (GoNZ) is represented by the Executive Council, a formal body made up of the Cabinet and the Governor-General, who acts on the Cabinet's advice. The Cabinet itself consists of the Prime Minister and his/her Ministers, who must be chosen from among elected Members of Parliament. Each Minister supervises and is responsible for particular areas of government administration. Collectively, the Cabinet is responsible for all decisions of the Government. The judicial system in New Zealand is based on the British model. By convention and the Constitution Act 1986, the judiciary is independent from the executive.

HOW PARLIAMENT IS ELECTED

10. (U) Each electorate has a roll - a list of everyone who is enrolled to vote. By law, all New Zealand Citizens 18 years or older, and eligible to vote, must be on the electoral roll. Unlike Australia, however, it is not illegal not to vote in New Zealand. Every New Zealand citizen who is enrolled as an elector (i.e., voter) is also eligible to be a candidate for election as a member of Parliament.

11. (U) Voters of Maori descent are given an option to decide which electoral roll they want to be on -- the General roll or the Maori roll. Voters on the latter roll elect candidates to fill the seven seats reserved for Maori MPs. The numbers and boundaries of the General and Maori electorates are reviewed after each five-year census and after the voters of Maori descent decide which roll they want to be on.

12. (U) As a result of a referendum held in conjunction with the 1993 election, New Zealand has since 1996 used the "Mixed Member Proportional" (MMP) system of elections to Parliament. MMP is similar to the German Federal system's Lower House elections. Under MMP, each voter has two votes, one for a local electorate MP, and one for a political party -- the latter represented by a list of candidates nominated by each party in advance of the elections. Each registered party's total number of Party Votes decides its share of seats in Parliament.

13. (U) A person can be a "dual candidate" by standing for an electorate seat as well as being on the party list. A dual candidate who wins an electorate seat has his or her name deleted from the party list.

14. (U) Before it is entitled to a share of Parliament seats, a party must first qualify by "crossing the threshold": either it must win at least five percent of all the Party Votes cast at the election, or it must win at least one General or Maori electorate seat. Each qualified party is allocated enough Party Vote ("list") seats to add to any electorate seats it has won so that its total number of seats is close to its share of all the eligible Party Votes cast. Parties fill their list seats by drawing off the allocated number of candidates in the order in which they appeared on the party's list, and voters cannot change that order. The MPs chosen in this way are hereafter called "list MPs."

15. (U) If a party wins more electorate seats than it is entitled to have based on its share of all the Party Votes it does not receive any list seats. It keeps the extra seats (known as "overhang" seats) and the size of Parliament increases by that number of seats until the next general election. In the next (47th) Parliament, there will be 69 electorate MPs (62 General electorates and 7 Maori electorates) and 51 list (i.e. Party Vote) MPs.

16. (U) After the election, the Government is formed by the party or coalition, which can command a majority of the votes in the House of Representatives. The leader of the winning party becomes Prime Minister (although formally the Prime Minister is selected by the Governor General). In past years the PM has often chosen Ministers from coalition parties. Both the Labour and National parties are likely to use the prospect of such appointments to gain coalition support from smaller parties in the 2005 election.

17. (SBU) With the next General Elections less than 10 months away, campaigning by political parties is already beginning to heat up. It is likely that the two major parties -- Labour and National -- will be battling for the main honors. Key issues likely to be on the agenda for 2005 include: trade (particularly a US/NZ Free Trade Agreement), tax reform (personal and company tax reduction), constitutional issues (surrounding the Treaty of Waitangi), health, education, crime and transport. We will profile the various parties and report on their positions on campaign issues in the months ahead.

Swindells